

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Anna M. Vines Carter,

Plaintiff,

v.

Case No. 2:14-cv-2344

Clerk of Court, et al.,

Defendants.

ORDER

This matter is before the court for consideration of the magistrate judge's report and recommendation filed on November 25, 2014. As the magistrate judge correctly explained, 28 U.S.C. §1915(e) requires sua sponte dismissal of an action upon the court's determination that the action is frivolous or malicious, or fails to state a claim upon which relief may be granted. Grinter v. Knight, 532 F.3d 567, 572 (6th Cir. 2008). Courts conducting initial screens under §1915(e) apply the motion to dismiss standard. See, e.g., Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010) (applying Fed. R. Civ. P. 12(b)(6) standards to review under 28 U.S.C. §§1915A and 1915(e)(2)(B)(ii)). The magistrate judge conducted an initial screen of plaintiff's complaint as required by 28 U.S.C. §1915(e)(2). The magistrate judge noted that the complaint is "essentially incomprehensible." Doc. 2, p. 2. The magistrate judge recommended that plaintiff's complaint be dismissed because it fails to provide a basis for jurisdiction in this court, to allege a short and plain statement of a claim, or to allege any facts which might plausibly state a claim under federal or state law. Doc. 2, pp. 2-3.

The report and recommendation specifically advised the parties

that any objections to the report and recommendation were due within fourteen days. Doc. 2, p. 3. The parties were also advised that the failure to object to the report and recommendation "will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 2, p. 4. Objections to the report and recommendation were due by December 12, 2014, and no timely objections were filed. The court adopts the report and recommendation (Doc. 2), and the original complaint is hereby dismissed as frivolous.

The court notes that on December 16, 2014, after the deadline for filing objections to the report and recommendation had passed, plaintiff filed an amended complaint (Doc. 3). This amended complaint names new parties as defendants who were not named in the original complaint, including "COTA Bus - (Holy Cross) St. Meached" and "Gover Kasece" (presumably Governor Kasich). This amended complaint is also frivolous and incomprehensible, as it fails to provide a basis for jurisdiction, to allege a short and plain statement of a claim, or to allege any facts which might plausibly state a claim under federal or state law. The amended complaint is also dismissed. Accordingly, this case is hereby dismissed as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

Date: December 17, 2014

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s/James L. Graham  
James L. Graham  
United States District Judge